

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference MU 8302483-2	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/BR2004/000199	International filing date ( <i>day/month/year</i> ) 08 October 2004 (08.10.2004)	Priority date ( <i>day/month/year</i> ) 10 October 2003 (10.10.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant HENRIQUE PEREIRA DA SILVA, Carlos		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.  
  
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input checked="" type="checkbox"/> | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 10 April 2006 (10.04.2006)  Authorized officer  <div style="text-align: center; font-weight: bold;">Simin Baharlou</div>  Telephone No. +41 22 338 71 30
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# PATENT COOPERATION TREATY

REC'D 10 JAN 2005

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To:

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## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing 7 January 2005 (07.01.2005)  
(day/month/year)

Applicant's or agent's file reference  
MU 8302483-2

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/BR 2004/000199

International filing date (day/month/year)  
8 October 2004 (08.10.2004)

Priority Date (day/month/year)  
10 October 2003 (10.10.2003)

International Patent Classification (IPC) or both national classification and IPC  
C02F 1/48

Applicant

HENRIQUE PEREIRA DA SILVA, CARLOS

**1. This opinion contains indications relating to the following items:**

- ☒ Cont. No. I Basis of the opinion
- ☐ Cont. No. II Priority
- ☒ Cont. No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Cont. No. IV Lack of unity of invention
- ☒ Cont. No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Cont. No. VI Certain documents cited
- ☐ Cont. No. VII Certain defects in the international application
- ☐ Cont. No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

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**Continuation No. I**

**Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of a translation from the original language into the following language: English, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

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**Continuation No. III:**

**Non-establishment of opinion with regard to  
novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of the because the description, claims or drawings (particular elements indicated below) or said claims Nos. 2 are so unclear that no meaningful opinion could be formed (specify):

Claim 2 is unclear in expressing "the cylindrical, to be squared or rectangular", "closed silo to the vacuum" and "molecular metal and magnets and/or glass is molecular magnets...";

no international search report has been established for said claims Nos. 2.

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**Continuation No. V**

**Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step  
or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims ----	YES
	Claims 1	NO
Inventive step (IS)	Claims ----	YES
	Claims 1	NO
Industrial applicability (IA)	Claims 1	YES
	Claims ----	NO

**2. Citations and explanations:**

Preliminary comment:

According to the English translation of the application the subject-matter of claim 1 is a device for energizing water which is dived into a water containing container. Said device consists of magnets creating a magnetic flow. The details referring to the material of the base of the device and/or the material which covers the magnets are not considered to be of particular relevance and are only matter of design without any technical effect. Further, it is not considered to be of relevance if the device is placed on the bottom of the container or if it is suspended from the top.

The following documents cited in the search report are considered for the purpose of this opinion:

D1 DE 4442872  
D2 JP 1-148175  
D3 US 5113751  
D4 EP 779245  
D5 GB 2210294  
D6 US 2003/0196945

Document D1 shows an insert for a flower vase comprising a permanent magnet, permanently neutralised on one side, with a metal part corresponding to the force and size of the magnet, which reacts to the magnetism placed on one pole, so that only the negative pole can affect the water in the vase. The magnet is surrounded by a washer-resistant and self-hardening alloy, which has minimum effect on magnetism.

Document D2 shows a magnetic device which is put into a container for applying magnetic lines of force to the food (e.g. water, vine) contained in it (see figure 4).

From document D3 a magnetic device is known which is put into a cup of coffee (see D3, figure 8).

According to documents D4 and D5 magnetic devices for the application of magnetic force are integrated into the bottom of a container.

Summarizing, the present subject-matter is considered to be known from the disclosures of documents D1 to D3 thus failing the requirements of Article 33(2) and (3) PCT. That means, the subject-matter of the present application is not considered to be new or to represent an inventive step.

The devices according to documents D4 and D5 only differ from that in the present application by being integrated into the bottom of the containers and thus not being removable. Although the present subject-matter is formally new over the disclosures of documents D4 and D5 it is not considered to represent an inventive step because a person skilled in the art would combine the teachings of documents D1 to D5 to solve the problem addressed in the present application.

Document D6 – published after the priority date but before the application date of the present application – is not considered for the purpose of this opinion (Rule 64(3) PCT).

The industrial applicability is acknowledged.